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July 8, 2011

Delivered by Email and RESS

Ms. Kirsten Walli, Board Secretary
Ontario Energy Board
2300 Yonge Street
Ste. 2701
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: Correspondence from KMDR Research Concerning THESL CDM: EB-2011-0011

Toronto Hydro-Electric System Limited (THESL) has been supplied by Board Staff with correspondence directed to the Board from a Mr. Monte de Ramos of KMDR Research, which makes reference to certain aspects of THESL's applications for CDM programs under file number EB-2011-0011. The subject correspondence was unsolicited and was dated July 5, 2011. In it, the writer makes claims in the nature of evidence and recommends that the Board take certain actions within the context of its Decision in the proceeding.

For the Board's information only and without according any status to the subject correspondence in the EB-2011-0011 proceeding, THESL wishes to convey to the Board its views on that correspondence, as follow:

1. The writer has no tested credentials and no standing whatsoever in the proceeding, and has purported to make factual claims and lead evidence which cannot be tested in the proceeding, given that the record has now been closed for some time. On this basis alone, THESL submits that the submission cannot form part of the evidentiary record and should not influence or delay the Board's Decision in this proceeding.
2. To reopen the hearing at this stage in order to admit or give any consideration to these claims would be extremely unfair and prejudicial to THESL, which has already shouldered a disproportionate burden as the applicant in a proceeding in which generic issues dominated. Further delay significantly threatens THESL's ability to meet its CDM targets and remain in compliance with its license.
3. The letter alleges that THESL's filed evaluation plans are unlikely to comply with the "current" version of the EM&V *Protocols and Requirements*. The author fails to note that the OPA's EM&V protocols are an ongoing work-in-progress and that the filed evaluation plans were drafted to be in conformance with the EM&V protocol as they existed at the time the plans were prepared. THESL is aware that the OPA has issued draft updates to its

EM&V protocol, and in its application THESL committed in evidence to complying with the OPA's prevailing EM&V protocols in place at the time of their exercise.

In summary, while THESL has no objection to the participation of KMDR Research in future proceedings, THESL trusts that the Board will take no notice of the subject correspondence in connection with THESL's EB-2011-0011 Application.

Yours very truly,

BORDEN LADNER GERVAIS LLP

Original Signed by John A.D. Vellone

John A.D. Vellone

CC: Chris Tyrell and Colin McLorg, Toronto Hydro-Electric System Limited
J. Mark Rodger, Borden Ladner Gervais LLP